

COUNCIL-MANAGER OR “STRONG MAYOR”

The Choice is Clear

Learn the Facts About Council-Manager Government

Everyone wants strong political leadership—neighborhoods, civic leaders, and the business community included. And today’s complex communities cannot succeed without the guidance of effective mayors who provide a sense of direction and contribute to the smooth functioning of a local government.

But communities also need thoughtful, dedicated council members, who work with the mayor to establish appropriate policy, and competent, professional managers to carry out those policies. None of the three are mutually exclusive; they can and do work together today in many of the country’s successful council-manager communities.

Today council-manager government is the fastest growing form of government in the United States; it frees up the elected body to establish policy, which is carried out by an appointed manager and an administrative staff. The manager is accountable to the entire council for the satisfactory implementation of council policy and the day-to-day administration of municipal affairs.

There are compelling reasons why many of the nation’s most successful cities and towns have adopted council-manager government rather than the “strong-mayor” form. Council-manager government encourages neighborhood input into the political process, diffuses the power of special interests, and eliminates partisan politics from municipal hiring, firing, and contracting decisions.

People who take time to learn the facts about council-manager government are likely to join the ranks of those who favor this popular form. Consider the following when deciding which form of government is best for your community:

Neighborhoods Strengthen Their Voice

The council-manager form encourages open communication between citizens and their government. Under this form, each member of the governing body has an equal voice in policy development and administrative oversight. This gives neighborhoods and diverse groups a greater opportunity to influence policy.

Under the “strong mayor” form, political power is concentrated in the mayor, which means that other members of the elected body relinquish at least some of their policy-making power and influence. This loss of decision-making power among council members can have a chilling effect on the voices of neighborhoods and city residents.

The Power of Special Interests is Diffused

Under the council-manager form of government, involvement of the entire elected body ensures a more balanced approach to community decision making, so that all interests can be expressed and heard—not just those that are well funded. Under the “strong mayor” form, however, it’s easier for special interests to use money and political power to influence a single elected official, rather than having to secure a majority of the city council’s support for their agenda.

Merit-Based Decision Making Vs. Partisan Politics

Under council-manager government, qualifications and performance—and not skillful navigation of the political election process—are the criteria the elected body uses to select a professional manager. The professional manager, in turn, uses his or her education, experience, and training to select department heads and other key managers to oversee the efficient delivery of services. In this way, council-manager government maintains critical checks and balances to ensure accountability at city hall.

Functioning much like a business organization's chief executive officer, the appointed professional manager administers the daily operations of the community. Through a professional staff, the manager ensures the effective provision of services and enforces the policies adopted by the elected body. He or she, in turn, uses merit as the leading criterion for making all hiring and personnel decisions.

Appointed local government managers have no guaranteed term of office or tenure. They can be dismissed by the council at any time, for any reason. As a result, they constantly must respond to citizens and be dedicated to the highest ideals of honesty, integrity, and excellence in the management and delivery of public services.

Under the “strong mayor” form of government, the day-to-day management of community operations shifts to the mayor, who often lacks the appropriate training, education, and experience in municipal administration and finance to oversee the delivery of essential community services. Also, under the “strong mayor” form, the temptation is strong to make decisions regarding the hiring and firing of key department head positions—such as the police chief, public works director, and finance director—based on the applicant’s political support rather than his or her professional qualifications.

Many Successful Cities Use Council-Manager Government

Council-manager government works! It balances diverse interests, responds quickly to challenges, and brings the community together to resolve even the toughest issues.

Currently, more than 75.5 million Americans live in council-manager communities, and the system continues to flourish. This form of government is used by thousands of small, medium, and large jurisdictions, including San Antonio, Texas; San Diego, Sacramento, and San Jose, California; and Phoenix, Arizona. Consider these examples:

History Argues for the Council-Manager Form of Government

Approximately 90 years old, the council-manager form of government has proven its adaptability; today it is the most popular choice of structure among U.S. communities with populations of 2,500 or greater. During the past dozen years, for example, an average of 44 U.S. cities annually have adopted the council-manager form, while an average of only two per year have abandoned it.

Council-manager government, however, was not always an option. In the late 19th and early 20th centuries, there was widespread corruption, graft, and nepotism among U.S. cities. The stories of New York City's Tammany Hall and Kansas City's Pendergrast machine are only two examples of the misuse of local government power during this time.

By the early 20th century, reformers were looking for ways to return control of municipal government to citizens. Those reformers advocated the council-manager structure of government to eliminate the corruption found in many cities. With its emphasis on professional training and accountability, the council-manager form of government was adopted by a number of cities in the 1920s and 1930s.

It took years to diffuse the power entrenched in turn-of-the-century city political machines and special interests. Today, however, citizens throughout the U.S. have resumed control by adopting or retaining council-manager government in their community and enjoying representative democracy at its best.

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San Jose, California (pop. 835,500)

Long viewed as the "capital" of Silicon Valley, San Jose uses the council-manager form of government to successfully manage diverse interests in an environment of rapid residential and commercial growth.

Phoenix, Arizona (pop. 983,392)

In 1993, Phoenix captured the international Bartelsmann Award for being one of the two best managed cities in the world. Today, the city continues to maintain its reputation as a model U.S. community.

Boulder, Colorado (pop. 85,127)

One of the nation's most beautiful and environmentally conscious communities, the city of Boulder successfully balances environmental quality with a vibrant business climate.

Dayton, Ohio (182,044)

Dayton enhanced the process of involving citizens in community decision making by creating neighborhood-based priority boards to deal with key funding, service, and neighborhood issues.

Typical Ordinance for Establishing Council-Manager Government

Note: Adoption of the council-manager form of government by ordinance generally should be considered as a temporary arrangement pending adoption by referendum of a home-rule charter or the provisions of an optional state law. Some provisions of this suggested ordinance may need to be changed to accord with local custom, state law, or city charter.

AN ORDINANCE CREATING THE OFFICE OF CITY MANAGER IN THE CITY OF _____
AND PROVIDING FOR HIS/HER POWERS AND DUTIES.

BE IT ORDAINED by the city council of _____:

Section 1. Creation of Office. The office of city manager is hereby created.

Section 2. Appointment of City Manager. The city manager shall be appointed by majority vote of the city council for an indefinite term. The manager shall be chosen by the council solely on the basis of executive and administrative qualifications with special reference to actual experience in or knowledge of accepted practice in respect to the duties of the office hereinafter set forth. At the time of this appointment, the appointee need not be a resident of the city or state, but during the manager's tenure of office, shall reside within the city. No council member shall receive such appointment during the term for which the council member shall have been elected nor within one year after the expiration of the council member's term.

Section 3. Removal of the City Manager. The city council may remove the city manager at any time by a majority vote of its members. If requested, a public hearing shall be granted by the council within 30 days following notice of removal. During the interim, the council may suspend the manager from duty, but shall continue the manager's salary and, if the removal becomes final, shall pay said salary for six calendar months following final removal date.

Section 4. Power and Duties of the City Manager. The city manager shall be the chief administrative officer of the city, may head one or more departments, and shall be responsible to the city council for the proper administration of all affairs of the city. To that end, the manager shall have the power and shall be required to:

- A. Appoint and, when necessary for the good of the service, suspend or remove all officers and employees of the city except as otherwise provided by the city charter or law. The city manager may authorize the head of a department or office to appoint, suspend, or remove subordinates in such department or office¹.
- B. Prepare the budget annually and submit it to the council together with a message describing the important features and be responsible for its administration after adoption.
- C. Prepare and submit to the council as of the end of the fiscal year a complete report on the finances and administrative activities of the city council for the preceding year.
- D. Keep the council advised of the financial condition and future needs of the city, and make such recommendations as may be deemed desirable.
- E. Recommend to the governing body a standard schedule of pay for each appointed office and position in the city service, including minimum, intermediate, and maximum rates.
- F. Recommend to the governing body (from time to time), adoption of such measure as may be deemed necessary or expedient for the health, safety, or welfare of the community or for the improvement of administrative services.
- G. Direct and supervise the administration of all departments, offices, and agencies of the city, except as otherwise provided by this charter or by law.
- H. Consolidate or combine offices, positions, departments, or units under his/her jurisdiction, with the approval of the city council. The city manager may be the head of one or more departments.

- I. Attend all meetings of the city council unless excused there from and take part in the discussion of all matters coming before the council. The manager shall be entitled to notice of all regular and special meetings of the council.
- J. Supervise the purchase of all materials, supplies, and equipment for which funds are provided in the budget; let contracts necessary for operation or maintenance of the city services for amounts up to and including \$_____, receive sealed bids for the purchases or contracts in excess of \$_____ and present them to the council.
- K. See that all laws and ordinances are duly enforced.
- L. Investigate the affairs of the city or any department or division thereof. Investigate all complaints in relation to matters concerning the administration of the government of the city, and in regard to service maintained by the public utilities in the city, and see that all franchises, permits, and privileges granted by the city are faithfully observed.
- M. Devote his/her entire time to the discharge of all official duties.
- N. Perform such other duties as may be required by the council, not inconsistent with the city charter, law, or ordinances.

Section 5. Council Not to Interfere with Appointments or Removals. Neither the council nor any of its members shall direct or request the appointment of any person to, or removal from, office by the city manager or any of the manager's subordinates, or in any manner take part in the appointment or removal of officers and employees in the administrative services of the city. Except for the purpose of inquiry, the council and its members shall deal with the administration solely through the city manager and neither the council nor any member thereof shall give orders to any subordinates of the city manager, either publicly or privately.

Section 6. Emergencies. In case of accident, disaster, or other circumstance creating a public emergency, the city manager may award contracts and make purchases for the purpose of meeting said emergency; but the manager shall file promptly with council a certificate showing such emergency and the necessity for such action, together with an itemized account of all expenditures.

Section 7. Bond. The city manager shall furnish a surety bond to be approved by the council, said bond to be conditioned on the faithful performance of all the manager's duties. The premium of the bond shall be paid by the city.

Section 8. Compensation. The city manager shall receive such compensation as the council shall fix from time to time by ordinance or resolution.

Section 9. Vacancy. Any vacancy in the office of the city manager shall be filled within 60 days after the effective date of such vacancy.

Section 10. Saving Clause. If any section, sub-section, or sentence, clause, or phrase of this ordinance is for any reason held invalid, such decision or decisions shall not affect the validity of the remaining portions of this ordinance. All ordinances of the city prescribing the duties of heads of departments shall remain in full force and effect except in so far as they conflict with the provisions of this ordinance in which case the provisions of this ordinance shall govern.

1 Responsibility of the manager or chief administrative officer for appointment and removal of administrative officials and employees is a requirement for recognition as an official council-manager city. In cities where state law or charter requires certain administrative officers to be appointed and removed by the mayor or council, the manager should be given the authority to recommend such appointees or to recommend their discipline or removal. All recommendations for appointment or removal shall be based solely on the merit, qualifications, or disqualifications of the official concerned without regard to political beliefs or affiliations.

LOCAL GOVERNMENT CODE

CHAPTER 25. CITY MANAGER FORM OF GOVERNMENT IN GENERAL-LAW
MUNICIPALITY

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 25.001. CHAPTER APPLICABLE TO GENERAL-LAW MUNICIPALITY WITH POPULATION OF LESS THAN 5,000. This chapter applies only to a general-law municipality with a population of less than 5,000.

Acts 1987, 70th Leg., ch. 149, Sec. 1, eff. Sept. 1, 1987.

SUBCHAPTER B. CITY MANAGER

Sec. 25.021. ADOPTION OF CITY MANAGER FORM OF GOVERNMENT. The municipality, by first holding an election on the question, may adopt the city manager form of government.

Acts 1987, 70th Leg., ch. 149, Sec. 1, eff. Sept. 1, 1987.

Sec. 25.022. PETITION. (a) The residents of the municipality may file a petition with the clerk of the municipality requesting the mayor to call a special election to determine whether the municipality shall adopt the city manager form of government.

(b) The petition must be signed by a number of qualified voters equal to at least 20 percent of the total number of qualified voters who voted for mayor at the most recent municipal election at which the office of mayor was to be filled.

Acts 1987, 70th Leg., ch. 149, Sec. 1, eff. Sept. 1, 1987.

Sec. 25.023. PROCLAMATION ORDERING ELECTION. (a) Within 10 days after the date a petition is filed, the mayor of the municipality shall issue a proclamation ordering a special election.

(b) The proclamation must state that the election is ordered to determine whether the municipality will adopt the city manager form of government and must be signed by the mayor and attested by the clerk of the municipality.

Acts 1987, 70th Leg., ch. 149, Sec. 1, eff. Sept. 1, 1987.

Sec. 25.024. NOTICE OF ELECTION. A copy of the proclamation

must be posted in at least five conspicuous places in the municipality for at least the 10 days preceding election day.
Acts 1987, 70th Leg., ch. 149, Sec. 1, eff. Sept. 1, 1987.

Sec. 25.025. ELECTION; ADOPTION. (a) After a petition is filed, an election to consider the adoption of the city manager form of government must be held on the first authorized uniform election date prescribed by the Election Code that occurs after the date the petition is filed under Section 25.022 and that affords enough time to hold the election in the manner required by law. Each qualified voter in the municipality is entitled to vote in the election.

(b) The ballots at an election under this subchapter shall be printed to provide for voting for or against the proposition: The governing body of the municipality of _____ (name of the municipality) appointing a city manager and setting by ordinance the salary of the manager.

(c) A municipality holding an election under this subchapter shall operate under the city manager form of government if a majority of the votes cast at the election are for its adoption.
Acts 1987, 70th Leg., ch. 149, Sec. 1, eff. Sept. 1, 1987.

Sec. 25.026. APPOINTMENT OF CITY MANAGER. If the city manager form of government is adopted, the governing body of the municipality shall appoint a city manager within 60 days after the election day and by ordinance shall set the manager's salary.
Acts 1987, 70th Leg., ch. 149, Sec. 1, eff. Sept. 1, 1987.

Sec. 25.027. QUALIFICATIONS OF CITY MANAGER. (a) The governing body of the municipality shall appoint the city manager solely on the basis of the person's administrative ability.

(b) The city manager is not required to meet any residency qualifications.

Acts 1987, 70th Leg., ch. 149, Sec. 1, eff. Sept. 1, 1987.

Sec. 25.028. TERM OF OFFICE. The city manager is appointed by

and serves at the will of the governing body of the municipality.
Acts 1987, 70th Leg., ch. 149, Sec. 1, eff. Sept. 1, 1987.

Sec. 25.029. POWERS AND DUTIES OF CITY MANAGER; BOND. (a)
The city manager shall administer the municipal business and the governing body of the municipality shall ensure that the administration is efficient.

(b) The governing body by ordinance may delegate to the city manager any additional powers or duties the governing body considers proper for the efficient administration of municipal affairs.

(c) The city manager must execute a bond. The bond must be conditioned that the manager will faithfully perform the duties of manager and must be in an amount prescribed by ordinance.

Acts 1987, 70th Leg., ch. 149, Sec. 1, eff. Sept. 1, 1987.

SUBCHAPTER C. OTHER MUNICIPAL OFFICERS

Sec. 25.051. OTHER MUNICIPAL OFFICERS. (a) After a municipality adopts the city manager form of government under this chapter, all municipal officers, except members of the governing body of the municipality, shall be appointed as provided by ordinance. However, an elected officer serving at the time of the adoption of the city manager form of government may continue to serve until the expiration of the officer's term.

(b) This chapter does not limit the authority of the governing body of a general-law municipality to appoint and prescribe the powers and duties of a municipal officer or employee under Chapter 22, 23, or 24.

Acts 1987, 70th Leg., ch. 149, Sec. 1, eff. Sept. 1, 1987. Amended by Acts 2003, 78th Leg., ch. 1185, Sec. 1, eff. Sept. 1, 2003; Acts 2003, 78th Leg., ch. 1206, Sec. 2, eff. June 20, 2003.

SUBCHAPTER D. ABANDONING CITY MANAGER FORM OF GOVERNMENT

Sec. 25.071. ABANDONING CITY MANAGER FORM OF GOVERNMENT. (a)
A municipality may abandon the city manager form of government at

any time as provided by this section.

(b) A petition requesting the mayor of the municipality to order a special election to abandon the city manager form of government must be filed with the clerk of the municipality and signed by a number of qualified voters equal to at least 20 percent of the total number of qualified voters who voted for mayor at the most recent municipal election at which the office of mayor was to be filled.

(c) Within 10 days after the date a petition is filed under Subsection (b), the mayor shall issue a proclamation ordering the special election. The proclamation must state that the election is ordered to determine whether the municipality will abandon the city manager form of government and notice of the election must be as for an election to consider the adoption of the city manager form of government.

(d) The election must be held on the first authorized uniform election date prescribed by the Election Code that occurs after the date the petition is filed under Subsection (b) and that affords enough time to hold the election in the manner required by law.

(e) The ballots at the election shall be printed to provide for voting for or against the proposition: Abandoning the city manager form of government in the municipality of _____ (name of the municipality).

Acts 1987, 70th Leg., ch. 149, Sec. 1, eff. Sept. 1, 1987.

Sec. 25.072. DUTIES OF GOVERNING BODY IF CITY MANAGER FORM IS ABANDONED. (a) If a majority of votes cast at an election under this subchapter are for abandoning the city manager form of government, the governing body of the municipality shall discharge the city manager within 60 days after the election day.

(b) When the city manager is discharged, the governing body shall assume the powers and duties given to the governing body by law as if the city manager form of government had never been

adopted.

Acts 1987, 70th Leg., ch. 149, Sec. 1, eff. Sept. 1, 1987.

Council-Manager Government...

The Most Popular Form of U.S. Local Government Structure

Fast Facts About U.S. Cities:

- More than 92 million individuals live in cities operating under council-manager government.
- 63% of U.S. cities with populations of 25,000* or more have adopted the council-manager form.
- 57% of U.S. cities with populations of 10,000* or more have adopted the council-manager form.
- 53% of U.S. cities with populations of 5,000* or more have adopted the council-manager form.

*Source: *The Municipal Year Book 2005*, published by the International City/County Management Association (ICMA), Washington, D.C. Percentages were derived by dividing the number of council-manager communities in a specific population range by the total number of cities in that population range.

FORM OF GOVERNMENT	2005	2004	2000	1996	1992	1988	1984
Council-Manager	3,475 (48.8%)	3,453	3,302	2,760	2,441	2,356	2,290 (35%)
Mayor-Council	3,091 (43.4%)	3,089	2,988	3,319	3,635	3,686	3,686 (56%)
Commission	145 (2%)	145	143	154	168	173	176 (3%)
Town Mtg.	338 (4.7%)	338	334	365	363	369	370 (6%)
Rep. Town Mtg.	63 (.8%)	63	65	70	79	82	81 (1%)
Unknown		3					
Total	**7,112	**7,091	**6,832	**6,668	**6,686	**6,666	**6,603 (100%)

**Totals for the number of U.S. local governments represent only those municipalities with populations of 2,500 and greater. There are close to 30,000 local governments with populations under 2,500.

Source for statistics inside table only: "Inside the Year Book: Cumulative Distribution of U.S. Municipalities" in *The Municipal Year Books* 1984-2005, published by the International City/County Management Association (ICMA), Washington, D.C.

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